

Town of North East
Zoning Board of Appeals
Minutes of May 20, 2021

The regularly scheduled monthly meeting of the Town of North East Zoning Board of Appeals, ("ZBA") took place on Thursday, May 20, 2021 at 7:30PM in the annex of the North East Millerton Library, 28 Century Blvd., Millerton, NY. ZBA members present were Chairman Julie Schroeder, Edith Greenwood, Jon Arnason, Karen Pitcher, Patti Lynch – Vandebogart, and Judy Carlson, secretary to the Zoning Board. Also in attendance were Mary Clinton, Jeanne Vanecko, Vicky Charles, Joe Frydl and Doug Larson.

Douglas Larson – architect

Joseph Frydl, Victoria Charles – Owner of Property

188 McGhee Hill Rd.

Zoning District: A5A

Area Variance – in order to renovate an existing accessory building

Tax Parcel#: 7070-00-493746-0000

At 7:30 PM, Chair Schroeder opened the public hearing by reading the Notice of Public Hearing into the record. Joe Frydl gave some background on the project. Both he and his wife are going to be working from home post pandemic and they are also an active young family. The design and renovation for the building reflects their recreational needs, office needs, and storage needs.

There is a practical rationale for the foot print and the design of the project and it is driven by three principal reasons:

1. They live on the side of a hill and this limits locations on their lot for a structure like this.
 2. Septic – the location of the new septic system precludes adding on to the residence or locating another structure to the west of the residence.
 3. By keeping and renovating the old building where it is located would not impinge on the neighbors' view- sheds.
- Frydl presented letters to the board from Madelon and Jerry Grobman, James MacLean and Jeanne Vanecko. Chair Schroeder read the letters into the record.

Arnason asked where the septic was going to be. Larson, using the site plan, explained the sewage system. Larson knew that this property needed a new septic, so the septic design was started six months ago while master planning for the property. Larson gave the reason that the septic was designed for seven bedrooms. He advises his clients to apply for a larger system than what is currently thought necessary. Such a design will allow for expansion if need be in the future. The septic is sized for 7 bedrooms and a bathroom in the studio.

Larson explained the diagram for the design of the building. The entire existing studio is in the setbacks. The structure they are renovating was used in the past as a habitable space. It had a fireplace, remnants of a kitchen and a garage and storage. Currently there are no bathroom facilities. Chair Schroeder asked if anyone had thought about applying for a special permit for an accessory apartment.

Larson replied that the applicant is not asking for a change of use, but only a change in size. When the plans were sent to the building inspector he denied us on the set- backs not the use. The applicant is responding to what the building inspector put in his letter that it is an expansion of a non-conforming building into a side yard.

Chair Schroeder replied that we still require the variance rather than restrict you as far as what the building can be used for.

Chair Schroeder suggested a site visit. The site visit was decided on for Sunday, May 23, 2021 at 10:00am.

Frydl expressed that they were interested in the most practical solution for use as a home office, recreation room and storage.

Arnason replied that the issue in all these situations given the state of the structure is if there is another location on the property that would be a better location for the project.

Motion made to recess the hearing by Chair Schroeder; Arnason seconded; all in favor and the motion passed.

Chair Schroeder made motion to open the meeting; Patty Lynch Vandebogart seconded; all in favor and the motion passed.

Minutes reviewed and accepted: Chair Schroeder made a motion to accept the minutes; Greenwood seconded; all in favor and the motion passed.

8:00PM -

Mary/Todd Clinton - Owner of property

258 Indian Lake Road

Area Variance - In order to erect a shed within 15 ft. of the side property line when 50 ft. from the side property line is required.

Tax Parcel # 7269-00-462831

Arnason opened the meeting by reading the public hearing notice into the record. Mary Clinton and her husband want to erect a pre-constructed shed from Bayhorse.

Their building lot is 150' wide and is in the A5A Zoning District in which there is a fifty foot side yard requirement. This would place the shed in the middle of their property if they were not to receive a variance.

The Clinton's have talked to all of the neighbors bordering their property and they have no objections to the location of the shed being fifteen feet from their property line.

Chair Schroeder stated that the Clintons already have one shed on their property. The Code reads that each parcel may have **a shed**.

Clinton went on to explain that they have a building permit for the shed that is there now. When they refinanced their mortgage in 2010, they were told that they needed a building permit for the shed. They were told they did not need a variance for that shed because it was a pre-constructed shed. This fact brought to their attention as to whether or not the shed had been put in prior to the most recent zoning code.

Chair Schroeder also explained that this year seems to be the "Year of the Shed" and that the Zoning Board would have other applications involving sheds come before them. The Zoning Board cannot look the other way and they would not be doing their job if they gave someone a variance just because an official erred in other instances.

Clinton expressed the point that since they live on a one acre lot they should be held to a different standard compared to someone who has 5 acres and can have a pole barn etc.

Chair Schroeder will look at the original code. She said she understood Clinton's position but the Zoning Board goes by the book. Chair Schroeder stated that zoning boards have to adhere to five NYS criteria and they have to take into consideration those 5 factors in making its determination. Chair Schroeder asked about the location of the well which is a factor to be considered.

Chair Schroeder reminded Clinton that on Sunday, May 23, at 11:00 AM the board would make a site visit, making their final decision on June 17th at the next meeting of the Zoning Board.

Chair Schroeder made a motion to recess the hearing until June 17th and that a site visit will take place on Sunday, May 23, 2021 at 11:00 AM. Arnason so moved; Greenwood seconded; all in favor and the motion passed.

Motion made to adjourn meeting by Chair Schroeder; Greenwood seconded; all in favor and the motion passed.

Respectfully submitted,



Judith A. Carlson
Zoning Board Secretary

APPROVED: 6/17/2021

RECEIVED
JUN 24 2021
TOWN OF NORTH EAST
TOWN CLERK